



STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

EXHIBIT

306

BUREAU OF WATER PROTECTION AND LAND REUSE
OFFICE OF THE BUREAU CHIEF

FEB 04 2010

Barbara C. Wagner
Chair

M. Howard Beach

Janet P. Brooks

Bruce R. Fernandez

John M. Mandycz

Earl W. Phillips, Jr.

Richard Sherman

Ryan Suerth

Norman VanCor

Karl J. Wagener
Executive Director

February 4, 2010

Paul E. Stacey
Planning & Standards Division
Bureau of Water Protection and Land Reuse
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106

RE: Proposed Stream Flow Standards and Regulations

Dear Mr. Stacey:

The Council on Environmental Quality discussed the proposed stream flow standards and regulations at its January 29 meeting, and offers the following comments.

The importance of establishing minimum flow standards cannot be overstated. As shown by experience, the current "system" of regulation is not scientific and leads to excessive withdrawals and environmental harm. While the Council is not in a position to comment on many of the specific elements of the standard, it urges the Department to apply current scientific knowledge to the maximum extent possible.

In addition, the Council submits the following suggestions:

The Department should assess the potentially higher costs for water and determine if customers will necessarily face higher costs or if the potential exists for customers to keep their costs level by installing efficiency measures.

The Council has received comments to the effect that the financial burden, if any, could fall predominantly on cities. If this is accurate, raising costs primarily for cities and their residents could, if significant, have unintended consequences that run counter to the principles of responsible growth. If possible, the Department should examine the incidence of any significant increased costs.


The Council acknowledges that the proposed regulations provide maximum flexibility and accommodation for drought emergencies as well as agriculture, permitted diversions and other regulated industries. They also allow regulated companies years to plan for compliance.

There has been some public discussion of whether or not these regulations appropriately apply to wells. As the Fenton River case illustrated, the ground water and the rivers are elements of the same hydrological system. There would be no scientific point to excluding wells, and in fact excluding them could undermine the whole point of the proposed regulations, which is to ensure that Connecticut residents will see water when they go to the river.

The Council has concerns about the classification of certain rivers, including the Quinnipiac River, but understands that such classification is a separate proceeding.

Thank you for your consideration of these comments.

Sincerely,


Karl J. Wagener
Executive Director